

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

JASON CRUMRINE, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VIVINT SOLAR, INC., DAVID  
BYWATER, and DANA RUSSELL,

Defendants.

Case No. 1:19-cv-05777-FB-JO

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ZHAOER LI, Individually and On Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

VIVINT SOLAR, INC., DAVID  
BYWATER, and DANA RUSSELL,

Defendants.

Case No. 1:19-cv-06165-FB-JO

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**NOTICE OF PAUL TURNER'S NON-OPPOSITION TO THE COMPETING MOTIONS  
FOR CONSOLIDATION OF RELATED ACTIONS, APPOINTMENT AS LEAD  
PLAINTIFF, AND APPROVAL OF LEAD COUNSEL**

On December 10, 2019, Paul Turner (“Turner”) timely filed a motion for consolidation of related actions, appointment as lead plaintiff, and approval of his selection of counsel in connection with the above-captioned securities fraud class action (Dkt. No. 10). Three similar motions were filed by other putative class action members in this action (Dkt. Nos. 6, 8, 14).

The Private Securities Litigation Reform Act of 1995 (the “PSLRA”) provides a presumption that the “most adequate plaintiff” to represent the interests of class members is the person or group that, among other things, has “the largest financial interest in the relief sought by the class.” 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I). Having reviewed the competing motions and supporting papers provided by the other movants seeking appointment as lead plaintiff, it appears that Turner does not possess the “largest financial interest in the relief sought by the class” as required by the PSLRA. As such, Turner does not oppose the lead plaintiff motions of movants with losses larger than Turner’s.

However, if the Court determines that the lead plaintiff movants with losses larger than Turner’s are incapable or inadequate to represent the class in this litigation, Turner remains willing and able to serve as lead plaintiff or as class representative. By this Notice of Non-Opposition, Turner does not waive his rights to participate and recover as a class member in this litigation.

Respectfully submitted,

DATED: December 26, 2019

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*Counsel for Movant and [Proposed] Lead Counsel  
for the Class*

## **PROOF OF SERVICE**

I, the undersigned say:

I am not a party to the above case and am over eighteen years old.

On December 26, 2019, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Eastern District of New York, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 26, 2019, at New York, New York.

*s/ Gregory B. Linkh*  
Gregory B. Linkh